

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DRIP DROP HYDRATION, INC.,

Plaintiff,

v.

JOHN DOES 1-10,

Defendant.

Case No. [22-cv-04744-TSH](#)

**ORDER GRANTING EX-PARTE
MOTION FOR LEAVE TO SERVE
THIRD PARTY SUBPOENA PRIOR TO
A RULE 26(F) CONFERENCE**

Re: Dkt. No. 5

THIS CAUSE came before the Court upon Plaintiff's Ex-Parte Application for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference, and the Court being duly advised does:

FIND, ORDER AND ADJUDGE:

1. Plaintiff has established that "good cause" exists for it to serve a third-party subpoena on Amazon.com. *See Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980); *UMG Recording, Inc. v. Doe*, 2008 WL 4104214, *4 (N.D. Cal. Sep. 3, 2008);

2. Plaintiff may serve Amazon.com LLC, Amazon.com Services, LLC., and any of their subsidiaries and affiliates ("Amazon") with a Rule 45 subpoena commanding them to provide Plaintiff with the true names and addresses relating to suppliers from whom they acquire Drip Drop products for resale. Plaintiff shall attach to any such subpoena a copy of this Order;

3. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on Amazon for the purpose of protecting and enforcing its rights as set forth in its Complaint.

4. **Amazon shall serve a copy of the subpoena and a copy of this order on the supplier(s) within 30 days of the date of service.** Amazon may serve the supplier(s) using any

reasonable means, including written notice sent to the supplier's last known address, transmitted either by first-class mail or via overnight service.

5. Each supplier and Amazon shall have **30 days** from the date of service to file any motions in this court contesting the subpoena (including a motion to quash or modify the subpoena). If the 30-day period lapses without the supplier contesting the subpoena, Amazon shall have 10 days to produce to Plaintiff the information responsive to the subpoena with respect to that supplier.

6. Amazon shall preserve all subpoenaed information pending it delivering such information to Plaintiff or the final resolution of a timely filed motion to quash the subpoena with respect to such information.

IT IS SO ORDERED.

Dated: August 19, 2022


THOMAS S. HIXSON
United States Magistrate Judge

United States District Court
Northern District of California